

PATENT

ATTORNEY DOCKET NO.: 44921-5007-3

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
**BOX PATENT APPLICATION**  
 Washington, D.C. 20231

J1040 U.S. PTO  
 10/073353  
 02/13/02

PRIOR APPLICATION: Examiner: L. B. Arthur  
 Group Art Unit: 1655

**CONTINUATION, DIVISIONAL, AND CONTINUATION-IN-PART  
 PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a patent application under 37 C.F.R. § 1.53(b).

1. This application is a ☒ **Continuation** ☐ Divisional ☐ Continuation-in-Part patent application under 37 C.F.R. § 1.53(b), of pending prior application no. 09/585,437, filed June 2, 2002, which is a continuation of application no. 08/758,662, filed on December 2, 1996, which is a continuation-in-part of application no. 08/564,653, filed on November 29, 1995, now abandoned, all of which are incorporated herein by reference in their entirety.

2. The papers enclosed are as follows:

25 Page(s) of specification including:

0 Title Page  
02 Page(s) of claims  
01 Page of abstract

3 Sheet(s) of drawings containing 4 Figures  
 — Other: \_\_\_\_\_

3. Amendments

For continuation and divisional applications:

- ☐ Cancel in this application original claims \_\_\_\_\_ in the enclosed copy of prior application before calculating the filing fee.
- ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

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4. Oath or Declaration

For continuation or divisional applications:

- ☐ A newly executed (original or copy) oath or declaration is enclosed.
- ☒ A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ A signed statement deleting inventor(s) named in the prior application is enclosed.

For continuation-in-part applications:

- ☐ A newly executed (original or copy) oath or declaration is enclosed.
- ☐ An oath or declaration is not enclosed. This application is being filed under 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the declaration and paying the filing fees.

5. Relate Back - 35 U.S.C. § 120

- ☒ Amend the specification by deleting the continuing application information at page 1, lines 5-6 and inserting after "Cross Related Applications" the sentence: This application is a continuation patent application under 37 C.F.R. § 1.53(b), of pending prior U.S. application no. 09/585,437, filed June 2, 2000, which is a continuation of application no. 08/758,662, filed December 7, 1996, now U.S. Patent No. 6,114,150, which is a continuation-in-part of U.S. application no. 08/564,653, filed November 29, 1995, now abandoned, all of which are herein incorporated by reference in their entirety.

6. Assignment

For continuation or divisional applications:

- ☒ The prior application is assigned of record to **YALE UNIVERSITY**, recorded August 1, 1997 at Reel/Frame 8665/0552.
- ☐ An assignment of the invention to \_\_\_\_\_ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

## 7. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee \$740.00
Total Claims	17 - 20 =	0	\$ 18.00 each =	+ 00.00
Independent Claims	3 - 3 =	0	\$ 84.00 each =	+ 00.00
Multiple dependent claims (if any)			\$ 280.00	+ 00.00
<b>SUB-TOTAL</b>				<b>00.00</b>
Reduction by ½ for filing by a small entity				00.00
<b>TOTAL FILING FEE</b>				<b>\$-00.00</b>

## 8. Fee Payment

☒ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.** This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for paying the filing fees.

10. ☒ The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number.

☒ Please address all correspondence to Morgan, Lewis & Bockius LLP at  
**1111 Pennsylvania Avenue, NW**  
**Washington, D.C. 20004**  
**Customer Number: 009629**

11. ☐ Recognize as associate attorney \_\_\_\_\_.  
 (name, address, and registration no.)

12. ☒ **PETITION FOR EXTENSION OF TIME.** A three-month extension of time is being filed concurrently in the prior application no. 09/585,437, filed June 2, 2000, for the purpose of maintaining copendency between the prior application and the present application. If, however, such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310.

13. [x] **EXCEPT** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: **February 13, 2002**

By: Michael S. Tuscan

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